

United States District Court

for the
Western District of New York

United States of America

v.

Case No. 23-mj- 76

MICHAEL BURHAM

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From on or about May 11, 2023, until the present, in the Western District of New York, and elsewhere, the defendant, **MICHAEL BURHAM**, did move and travel in interstate and foreign commerce with intent to avoid prosecution under the laws of the State of New York for a crime which is a felony under the laws of the State of New York, in violation of Title 18, United States Code, Section 1073.

This Criminal Complaint is based on these facts:

Continued on the attached sheet.

JH
Complainant's signature

JEFFREY HOMZA
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION
Printed name and title

Sworn to and signed telephonically.

Date: May 22, 2023

H. Kenneth Schroeder, Jr.
Judge's signature

City and State: Buffalo, New York

HONORABLE H. KENNETH SCHROEDER, JR.
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

I. INTRODUCTION

I, **Jeffrey Homza**, Special Agent of the Federal Bureau of Investigation, United States Department of Justice, being duly sworn, states as follows:

1. I am a Special Agent employed by the Buffalo Division of the Federal Bureau of Investigation (FBI), Jamestown Resident Agency. I have been employed by the FBI since May 2019. As part of my daily duties as a Special Agent with the FBI, I investigate crimes including, but not limited to, violent incident crimes such as kidnapping and homicide. Further, I have been involved in investigations attempting to locate individuals attempting to flee apprehension or prosecution for a wide array of offenses.

2. I make this affidavit in support of a criminal complaint charging **MICHAEL BURHAM**, with a violating Title 18, United States Code, Section 1073 (Unlawful Flight to Avoid Prosecution) which makes it a crime to travel in interstate commerce with intent to avoid prosecution under the laws of the place from which the individual flees for a crime which is a felony offense under the laws of the place from which the individual flees.

3. The statements contained in this affidavit are based upon my investigation, information provided to me by other law enforcement personnel, my training and experience, and the review of documents and records. Because this affidavit is being submitted for the limited purpose of seeking a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts necessary to establish probable cause to believe that **BURHAM** violated Title 18, United States Code, Section 1073 (Unlawful Flight to Avoid Prosecution).

II. PROBABLE CAUSE

4. During the early morning hours of May 11, 2023, the Jamestown Police Department (JPD) responded to a report of shots fired in the vicinity of 125 William Street, Jamestown, New York. The referenced address is the home of Kala Hodgkin. Responding personnel located Hodgkin unresponsive at the referenced location with apparent gunshot wounds. Hodgkin did not survive the gunshot wounds and her death was ruled a homicide.

5. At the time Hodgkin was killed, an active arrest warrant existed charging **BURHAM** with Hodgkin's rape. The arrest warrant is still presently active.

6. While JPD Officers were responding to the report of shots fired in the vicinity of William Street, another JPD Officer was dispatched and responded to a domestic incident at or near 109 Fulton Street, Jamestown, New York. At 109 Fulton Street, a JPD Officer encountered N.O., who stated that her former boyfriend, **BURHAM**, had attempted to break

into her home and proceeded to set her vehicle on fire. The incident was recorded on the Ring doorbell attached to N.O.'s residence.

7. S sometime prior to May 11, 2023, **BURHAM** rented a vehicle from Enterprise Rent-a-Car in Warren, Pennsylvania which is south of Jamestown, New York, just across the New York/Pennsylvania state line. The rental request was made by **BURHAM** using the residential address of 4681 Miller Hill Road, Russell, PA, a property once owned by **BURHAM**, and phone number (716) 397-0377, a phone number known to be associated with **BURHAM**. The referenced rental vehicle is believed to be the same vehicle as one observed in the vicinity of Hodgkin's murder and the incident involving N.O.

8. On or about May 11, 2023, **BURHAM** returned the rental vehicle to Enterprise Rental in Warren, Pennsylvania. A review of a local business surveillance camera reveals **BURHAM** left the rental agency on foot. Shortly after returning the rental vehicle, **BURHAM** checked out of a hotel in Warren, Pennsylvania. Documentation indicates that **BURHAM** had rented the room and had presented a hotel attendant with his Pennsylvania State Driver's License and a VISA credit card in his name. **BURHAM's** reservation was made on or about May 9, 2023, with a check out date of May 11, 2023. A vehicle associated with **BURHAM** and observed at the hotel, was recovered in Warren, Pennsylvania on or about May 11, 2023.

9. In response to Hodgkin's homicide, the Jamestown Police Department issued multiple media releases in an attempt to locate and interview **BURHAM**. However, there were no reported sighting of **BURHAM** for several days.

10. On or about May 20, 2023, the Pennsylvania State Police (PSP) were contacted by an individual that was concerned because her parents (hereinafter, the "Victims") had not attended their granddaughter's soccer game in Warren, Pennsylvania on May 20, 2023. The caller had checked the Victims' residence, 8516 Route 6, Sheffield, Pennsylvania, with negative results. The caller also attempted to reach the Victims via telephone with negative results.

11. The caller also relayed to PSP that the Victims' vehicle, a silver 2022 Honda CRV, PA Registration MBD-1806, was not at the Victims' residence. In view of the above, PSP generated a Missing/Endangered Persons Alert for the Victims.

12. On or about May 21, 2023, the South Carolina Highway Patrol contacted PSP and advised that they had located the Victims alive in a cemetery in North Charleston, South Carolina. The Victims were interviewed and advised they had been kidnapped at gunpoint from their residence in Sheffield, Pennsylvania. They identified **BURHAM** as their kidnapper and stated that they had seen media reports regarding **BURHAM**.

13. The Victims' vehicle was also located near the location at which the Victims themselves were located in North Charleston, South Carolina. Located inside the vehicle was a note that appears to have been written by **BURHAM**. The note reads as follows:

Wally Burham
 [redacted phone number]
*Hey Dad, I'm safe for
 Now. Just left the area.
 Sorry for all the problems
 I caused the family.
 I quit drinking since May 10th
 I'm not sorry for what I
 Did, however I do feel
 Terrible about the children.
 I would like [redacted] and
 (illegible) to adopt [redacted]. Talk
 To you soon. Love Mike.
 PS – Have [redacted] transfer the
 Phone to your name*

WHEREFORE, it is respectfully submitted that probable cause exists to believe that **MICHAEL BURHAM** has fled New York in an effort to avoid prosecution, in violation of Title 18, United States Code, Section 1073, and, accordingly, the Criminal Complaint and arrest warrant should be issued.



JEFFREY HOMZA
 Special Agent
 Federal Bureau of Investigation

Subscribed and sworn to telephonically
 on this 22nd day of May, 2023.

H. Kenneth Schroeder, Jr.

HONORABLE H. KENNETH SCHROEDER, JR.
 UNITED STATES MAGISTRATE JUDGE